



**TOWN OF WEARE**  
**PLANNING BOARD**  
**ZONING BOARD OF ADJUSTMENT**  
15 Flanders Memorial Road  
P.O. Box 190  
Weare, NH 03281  
Phone: (603) 529-2250  
Fax: (603) 529-4554

Naomi L. Bolton  
Land Use Coordinator

**Office Hours:**  
Monday  
thru  
Friday  
8 AM – 4:30 PM

**ZONING BOARD OF ADJUSTMENT**  
**MINUTES**  
**AUGUST 5, 2008**  
**(Approved as amended 9/3/08)**

**PRESENT:** David Ruoff, Chairman; Forrest Esenwine; June Purington; Elwood Stagakis,  
Alternate; Naomi L. Bolton, Land Use Coordinator.

**GUESTS:** Jeanne Stapleton; James Stapleton; Jim Clark; Ginger Esenwine

**I. INTRODUCTION:**

Chairman David Ruoff called this meeting to order at 7:35 PM and asked the board members present to introduce themselves. Chairman Ruoff explained to those present the way by which the board conducts business. Chairman Ruoff appointed Elwood Stagakis as a voting member for tonight's meeting.

**II. ADMINISTRATIVE ITEMS:**

There were no administrative items for this evening and the board went right to the hearings.

**III. PUBLIC HEARINGS:**

Case #0408 James & Jeanne Stapleton  
Variance, Article 17, Section 17.1.1  
Applicant is requesting permission to build a single family home.  
Tax Map 404-019 Wildwood Road (Private)

James and Jeanne Stapleton were present. The board discussed the application as it was applied for both as an area and use variance. Mrs. Stapleton stated that she will proceed as an area variance. Mrs. Stapleton explained that they purchased this lot in 1977 in hopes of building a home. She has been a teacher in Town since 1978 and wanted to build a home here but things fell through with the developer. They continued to pursue this lot but they needed a house so they bought a house somewhere else and thought they would hold onto it for a future time. They have been paying taxes on this lot since 1977 in hopes of being able to one day build a home. They were a young couple at the time and needed a house so they decided to buy a house. They had one child but still kept the vision of someday building one. They have now found out that in order to build a house they need to obtain further permission from another board. Their property is located closer to Abijah Bridge Road than two existing homes. One home was built as recently as 2004 and that home is quite a bit further away then their lot.

Jim Stapleton stated that they had purchased this lot with the intention of building and now they have decided that they would like to have a meeting on the lot to see what happens.

Jim Clark, abutter stated that he bought his lot at the same time and he was on the road for about 15 years by himself. The town has never had any expenses on this road. Mr. Clark explained that he had come into the Selectmen after the floods had occurred to see if there was any assistance that they could be helped with as part of the roadway washed out. The Town told him that they could not expend any funds on this road as it is private. Mr. Clark stated that he has been told that the local snowmobile club owns the roadway but he has never seen the actual deed. The board stated that they would be interested to see the deed if it exists, as it would be a rare situation that they have never seen.

Forrest Esenwine informed Mrs. Stapleton that after zoning was voted there was a four year window of opportunity for them to be able to build a house, but after that four year window has expired they are now subject to the current zoning regulations.

Jeanne Stapleton responded to the board by saying that they didn't realize there is a look back time. They were never notified that the restriction of not being able to build was put on the lots. She felt it was more reasonable to grant the variance.

Approving Abutters: Jim Clark, abutter stated that for the record he is in favor of this application as it would give them one more resident to share in the cost of upkeep to the roadway.

Disapproving Abutters: None  
Public At Large: None  
Other Boards: None

Rebuttal of Applicant: None

Chairman Ruoff closed this hearing at 8:35 PM.

DISCUSSION: June Purington stated that it would seem to her that we have a natural cutting off in this point, at the 2004 house, there is nothing beyond there. This lot is between two houses and this will not be creating a new issue. She doesn't think the precedent would be set because of the location of the lots. The road ends now and she would not have a problem denying anyone beyond the house in 2004. Elwood Stagakis stated that he felt we should postpone this meeting because the board really needs to know the status of the road and he would also like to see the reasons and criteria in which the 2004 house was built under. Chairman Ruoff asked the Stapleton's if they would like a continuance until next month or would they like a decision tonight. The Stapleton's stated that they would like to continue this to September. Elwood Stagakis moved to continue the decision on this matter until the September meeting; Forrest Esenwine seconded the motion. Vote: 3 in favor (Purington, Esenwine and Stagakis) and 1 opposed (Ruoff). The board looked at the calendar and with the Labor Day holiday being

Monday, September 1<sup>st</sup>, the majority of those present were not going to be available on Tuesday, September 2<sup>nd</sup>, so the meeting was going to be held on September 9<sup>th</sup> at 7:30 PM.

**IV: OTHER BUSINESS:**

APRIL 1, MINUTES: June Purington moved to accept the April 1, 2008 minutes as amended; Forrest Esenwine seconded the motion, all in favor.

CASE #4002 – VARIANCE EXTENSION REQUESTED CONCERNING LOTS 103-018, 103-033 & 103-035: Forrest Esenwine moved to grant the extension as requested; Chairman Ruoff seconded the motion. Discussion: None Vote: 4 in favor (Purington, Ruoff, Esenwine and Stagakis) and 0 opposed.

CASE #0705 – VARIANCE EXTENSION REQUESTED CONCERNING LOT 403-101: June Purington moved to grant the extension as requested; Elwood Stagakis seconded the motion. Discussion: None. Vote: 4 in favor (Purington, Ruoff, Esenwine and Stagakis) and 0 opposed.

**V. ADJOURNMENT:**

As there was no further business to come before the board, Forrest Esenwine moved to adjourn the meeting at 8:55 PM; June Purington seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Land Use Coordinator